

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,229	REITER ET AL.	

<b>Examiner</b>	<b>Art Unit</b>	
Zachariah Lucas	1648	

**All Participants:**

**Status of Application:** \_\_\_\_\_

(1) Zachariah Lucas.

(3) \_\_\_\_.

(2) Martin D. Moynihan.

(4) \_\_\_\_.

**Date of Interview:** 16 July 2009

**Time:** \_\_\_\_\_

**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

Exhibit Shown or Demonstrated:  Yes  No

If Yes, provide a brief description: \_\_\_\_\_.

**Part I.**

Rejection(s) discussed:

New

Claims discussed:

199 and 215

Prior art documents discussed:

NA

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

See Continuation Sheet

**Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Zachariah Lucas/  
 Primary Examiner, Art Unit 1648

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner indicated that the claims appeared to be allowable over the prior art. However, the Examiner noted that the present claims are drawn to a method of use of the antibodies of copending application 11/074803, which use is disclosed in that application, and that the present application is a CIP of the parent of the 803 application. The Examiner also noted that in the decision of Teva Pharmaceuticals (86 U.S.P.Q.2d 1001, at 1008-1009, CAFC 2008), which indicates that the protection against double patenting under 35 USC 120 does not apply to CIP applications, and that methods of using a composition that are disclosed in the patent claiming the composition are not patentably distinct from the claims to the composition. In view of the above, the Examiner indicated that a terminal disclaimer over the '803 application would be required before the present application would be found allowable.

The Applicant indicated that a TD would be filed.